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State 139288
Jennifer M Bandy 08/05/2008 12:15:13 PM From DB/Inbox: Search Results

Cable
Text:

RELEASED IN PART
B1, 1.4(D)

CONFIDENTIAL
TELEGRAM

July 27, 2005

To: AMEMBASSY BELIZE - IMMEDIATE
Origin: NEA
From: SECSTATE WASHDC (STATE 139288 - IMMEDIATE)
TAGS: KISL, KPAO, PGOV, PREL
Captions: None
Subject: SPEAKING OUT ON GITMO AND DETAINEES
Ref: None

Classified by S/WCI, Ambassador Pierre-Richard Prosper for reasons 1.4 (b) and (d).

B1

2. (U) This is an action cable. See paras 6 and 8.

B1

4. (U) Begin Talking Points:

- The American response to terrorist attacks launched against the United States has yielded many detained enemy combatants who were captured while bearing arms against the United States or otherwise acting in direct support of hostile armed forces.

- The Guantanamo Bay detention facility was established because the United States needed a safe and secure location to both detain and

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interrogate enemy combatants. Today, Guantanamo houses enemy combatants including terrorist trainers, recruiters, bomb makers, would-be suicide bombers, and terrorist financiers.

- All detainees are treated in a manner consistent with international obligations and the principles of the Geneva conventions.

- More than 4,000 reports and other forms of actionable intelligence from these detainees have provided information on terrorist activities, including al-Qaeda's pursuit of chemical, biological, and nuclear weapons.

- These reports and intelligence gained from interrogation of detainees have thwarted threats posed to innocent citizens in the United States and abroad and have helped save the lives of U.S. and coalition forces. For example, the capture of 9/11 mastermind Khalid Sheikh Muhammad was partly due to information developed from a Guantanamo detainee, Muhammad al Kahtani.

- Capturing and detaining enemy combatants is a matter of national security, military necessity, and common sense. It has been common and accepted practice of the United States and its allies in every modern war. It is a universally recognized principle under the law of armed conflict, also known as international humanitarian law.

- Under the law of armed conflict, there is no requirement that a detaining power charge or prosecute enemy combatants for crimes committed while hostilities are ongoing, or provide lawyers or access to courts. States in prior wars have generally not done so.

- Under U.S. law, the authority to detain enemy combatants exists in law independently of the judicial or criminal law system. This is a core function of the President's authority as commander-in-chief under the U.S. Constitution.

- The UN Commission on Human Rights and some human rights groups have argued that all enemies captured in battle are POWs. Al-Qaeda is a terrorist organization rather than a state actor and therefore not covered by the Geneva Conventions; thus, their members are not entitled to POW status.

- Although the U.S. never recognized the Taliban as the legitimate Afghan government, Afghanistan is a party to the Geneva Conventions, and the President determined that the Conventions apply to the armed conflict with the Taliban. Under the terms of the Third Geneva Convention of 1949, however, the Taliban are not entitled to POW status. Specifically, the Taliban did not qualify as lawful combatants (or POWs) under

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Article 4 of the Third Geneva Convention of 1949.

- Torture of detainees is not condoned by the USG and all forms of torture or abuse of detainees are expressly prohibited. Detainees are provided with proper shelter and medical care. Each is allowed to exercise his religious beliefs and is provided food consistent with their religious requirements.

- Guantanamo Bay is not an operation that is conducted in secrecy. The Department of Defense works closely with the International Committee of the Red Cross (ICRC), and the United States permits ICRC representatives to meet with every detainee in DoD control at Guantanamo. There have been 260 members of Congress and congressional staffers who have visited Guantanamo Bay, including 20 senators, 103 representatives, and 140 members of the staff of both bodies. There have been some 400 media visits to Guantanamo Bay, including more than a thousand American and international journalists.

- When there have been substantiated reports of mistreatment, corrective action has been taken, as appropriate. More than 100 individuals have been held accountable for substantiated allegations of detainee abuse accountable, i.e., courts martial, confinement, non-judicial punishment, reprimand, and separation from the service.

- If new credible allegations arise, the USG will conduct a thorough investigation into those allegations, and if any of the allegations are substantiated, those responsible will be held accountable.

- The detention mission will continue due to the continued threat from terrorists and the ongoing conflict in Afghanistan and Iraq. We will do everything in our power to prevent additional attacks. We will not hold anyone longer than necessary. About 172 detainees have been released while about 68 others have been transferred to the control of other governments.

- We anticipate the population of detainees at Guantanamo to continue to decrease. Approximately 510 detainees from about 37 countries remain.

- A few former detainees have rejoined Al-Qaeda and the Taliban (about ten). Some detainees secured release by claiming to be farmers, truck drivers, cooks, small-scale merchants or low level combatants. Al-Qaeda training manuals also emphasize the tactic of making false abuse allegations.

- Maulavi Abdul Ghaffar and Mullah Shazada were both released from Guantanamo. Both were later killed in Afghanistan in 2004 fighting Afghan and

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U.S. Armed Forces.

- As the President has stated clearly, we will continue to look at ways to improve procedures and better manage detainees who pose a lethal threat to the world. Therefore, as long as the threat and war on terrorism continue to exist, there will be a need to detain some enemy combatants.

IF NEEDED:

- The USG categorically and unequivocally does not endorse, tolerate or condone torture nor participate in the "export" of detainees for purposes of torture.

- Rendition is the movement of an individual from one country to another without that person's consent and outside of an extradition process. Renditions may be done for many reasons, including the removal of persons who attempt unlawfully to enter the U.S., to assist other governments bring fugitive criminals to judicial process, to keep dangerous terrorists off the streets, or for intelligence purposes.

End talking points.

5. (U) Action requested: Ambassadors and Country Team members should immediately seek opportunities to present this information to those in positions of policy and opinion leadership and gain their commitment to sharing this with their constituents. Officials of the Department of State and Defense in Washington will be undertaking a similar effort through Washington based media (one briefing took place at the Foreign Press Center on July 21) in the immediate future and will also be making themselves available for media opportunities with field posts and regional Arab media.

6. (U) PAOs will be provided additional information as Washington officials become available for DVC interaction with your local audiences. Additional background information and fact sheets are being provided by e-mail to Ambassadors and PAOs for this undertaking. See also the dedicated "Detainee Issues" page on INFOCENTRAL (<https://infocentral.state.gov>).

7. (U) Please report your actions NLT Aug 8 to Prosper S/WCI and your regional bureau Assistant Secretary.

8. (U) Minimize considered.
RICE

Additional Addressees:

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SOURCE: DISKETTE.042055

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E.O. 12958: DECL: 7/27/2015

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End Cable Text

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